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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2010-177

13 **JENNIFER WILKES,**  
14 **A.K.A. JENNIFER WILKES-NEEDLING**  
2588 CR NW 1070  
15 Talco, Texas 75487

**ACCUSATION AND PETITION TO  
REVOKE PROBATION**

16 **Registered Nurse License No. 365156**

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

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22 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation and Petition to  
23 Revoke Probation solely in her official capacity as the Interim Executive Officer of the Board of  
24 Registered Nursing, Department of Consumer Affairs.

25 2. On or about August 31, 1983, the Board of Registered Nursing issued Registered  
26 Nurse License Number 365156 to Jennifer Wilkes, also known as Jennifer Wilkes-Needling  
27 (Respondent). The Registered Nurse License expired on December 31, 2004, and has not been  
28 renewed.

3. In a disciplinary action entitled In the Matter of the Accusation Against Jennifer Wilkes, also known as Jennifer Wilkes-Needling, Case Number 2005-17, the Board of Registered Nursing issued a decision, effective March 24, 2006, in which Respondent's Registered Nurse License was revoked, the revocation was stayed, and Respondent was placed on probation for a period of three (3) years with certain terms and conditions. (Respondent's probation has been tolled since the effective date of the Board's disciplinary decision based on her out of state residency.) A copy of that decision is attached as Exhibit A and is incorporated herein by reference as though fully set forth.

## JURISDICTION

4. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

## STATUTORY PROVISIONS

5. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

7. Section 2761 of the Code states, in pertinent part:

“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

“(a) Unprofessional conduct, which includes, but is not limited to, the following:

• • • •

“(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United

1 States, by any other government agency, or by another California health care professional  
2 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that  
3 action. ”

4 . . . .

5 “(f) Conviction of a felony or of any offense substantially related to the qualifications,  
6 functions, and duties of a registered nurse, in which event the record of the conviction shall be  
7 conclusive evidence thereof. . . .”

8 8. Section 2762 of the Code states, in pertinent part:

9 “In addition to other acts constituting unprofessional conduct within the meaning of this  
10 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this  
11 chapter to do any of the following:

12 . . . .

13 “(b) Use any controlled substance as defined in Division 10 (commencing with Section  
14 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
15 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
16 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
17 ability to conduct with safety to the public the practice authorized by his or her license.

18 “(c) Be convicted of a criminal offense involving the prescription, consumption, or  
19 self-administration of any of the substances described in subdivisions (a) and (b) of this section,  
20 or the possession of, or falsification of a record pertaining to, the substances described in  
21 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
22 thereof. . . .”

23 9. Section 490 of the Code provides, in pertinent part, that a board may suspend or  
24 revoke a license on the ground that the licensee has been convicted of a crime substantially  
25 related to the qualifications, functions, or duties of the business or profession for which the  
26 license was issued.

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10. Title 16, California Code of Regulations, section 1444, states, in pertinent part:

“A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. . . .”

11. Section 493 of the Code states, in pertinent part:

"Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question. . . ."

12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

**FIRST CAUSE FOR DISCIPLINE**

**(Unprofessional Conduct: Disciplinary Action by Another State)**

13. Respondent is subject to disciplinary action under Code section 2761(a)(4) in that on or about May 22, 2008, Respondent voluntarily surrendered her nursing license to the Nevada State Board of Nursing, in lieu of other disciplinary action, for unprofessional conduct and the use of an intoxicating liquor in a dangerous manner. A copy of the disciplinary decision of the Nevada State Board of Nursing is attached as Exhibit B and is incorporated herein by reference as though fully set forth.

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**EXHIBIT A**



BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

JENNIFER WILKES A.K.A. JENNIFER  
WILKES-NEEDLING  
7936 Menelaus Avenue  
Las Vegas, NV 89131

Registered Nurse License No. 365156

Respondent

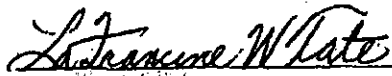
Case No. 2005-17

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on March 24, 2006.

IT IS SO ORDERED February 23, 2006.



President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 BILL LOCKYER, Attorney General  
of the State of California  
2 ASPASIA A. PAPAVALASSILIOU, State Bar No. 196360  
Deputy Attorney General  
3 California Department of Justice  
455 Golden Gate Avenue, Suite 11000  
4 San Francisco, CA 94102-7004  
Telephone: (415) 703-5547  
5 Facsimile: (415) 703-5480

6 Attorneys for Complainant

7 **BEFORE THE**  
8 **BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

11 **JENNIFER WILKES**  
12 **A.K.A. JENNIFER WILKES-NEEDLING**

13 *former address of record:*  
29 Lovejoy Way  
14 Novato, CA 94949

15 *current address of record:*  
5810 Blue Canyon Dr.  
16 Reno, NV 89523

17 Respondent.

Case No. 2005-17

OAH No. 2005030324

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

18  
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
20 above-entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of  
23 the Board of Registered Nursing. She brought this action solely in her official capacity and is  
24 represented in this matter by Bill Lockyer, Attorney General of the State of California, by  
25 Aspasia A. Papavassiliou, Deputy Attorney General.

26 2. Jennifer Wilkes, a.k.a. Jennifer Wilkes-Needling, (Respondent) is  
27 representing herself in this proceeding and has chosen not to exercise her right to be represented  
28 by counsel.

3. On or about August 31, 1983, the Board of Registered Nursing issued Registered Nurse License No. 365156 to Jennifer Wilkes, a.k.a. Jennifer Wilkes-Needling (Respondent). The license was in full force and effect at all times relevant to the charges brought in Accusation No. 2005-17. It expired on December 31, 2004 and has not been renewed.

JURISDICTION

4. Accusation No. 2005-17 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on August 2, 2004 by regular and certified mail to Respondent's address of record at the time. However, Respondent had moved from that address and thus failed to timely file a Notice of Defense contesting the Accusation. A default decision was subsequently issued but Respondent successfully petitioned to have the default decision set aside before it became effective. A copy of Accusation No. 2005-17 is attached as exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2005-17. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in

1 Accusation No. 2005-17.

2 9. Respondent agrees that her Registered Nurse License is subject to  
3 discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the  
4 Disciplinary Order below.

5 RESERVATION

6 10. The admissions made by Respondent herein are only for the purposes of  
7 this proceeding, or any other proceedings in which the Board of Registered Nursing or other  
8 professional licensing agency is involved, and shall not be admissible in any other criminal or  
9 civil proceeding.

10 CONTINGENCY

11 11. This stipulation shall be subject to approval by the Board of Registered  
12 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the  
13 Board of Registered Nursing may communicate directly with the Board regarding this stipulation  
14 and settlement, without notice to or participation by Respondent. By signing the stipulation,  
15 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind  
16 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt  
17 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall  
18 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action  
19 between the parties, and the Board shall not be disqualified from further action by having  
20 considered this matter.

21 12. The parties understand and agree that facsimile copies of this Stipulated  
22 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
23 force and effect as the originals.

24 13. In consideration of the foregoing admissions and stipulations, the parties  
25 agree that the Board may, without further notice or formal proceeding, issue and enter the  
26 following Disciplinary Order:

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**Severability Clause.** Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

**Criminal Court Orders:** If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

Upon successful completion of probation, Respondent's license shall be fully restored.

3. **Report in Person.** Respondent, during the period of probation, shall

1 appear in person at interviews/meetings as directed by the Board or its designated  
2 representatives.

3           **4. Residency, Practice, or Licensure Outside of State.** Periods of  
4 residency or practice as a registered nurse outside of California shall not apply toward a reduction  
5 of this probation time period. Respondent's probation is tolled, if and when she resides outside  
6 of California. Respondent must provide written notice to the Board within 15 days of any change  
7 of residency or practice outside the state, and within 30 days prior to re-establishing residency or  
8 returning to practice in this state.

9           Respondent shall provide a list of all states and territories where she has ever been  
10 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further  
11 provide information regarding the status of each license and any changes in such license status  
12 during the term of probation. Respondent shall inform the Board if she applies for or obtains a  
13 new nursing license during the term of probation.

14           **5. Submit Written Reports.** Respondent, during the period of probation,  
15 shall submit or cause to be submitted such written reports/declarations and verification of actions  
16 under penalty of perjury, as required by the Board. These reports/declarations shall contain  
17 statements relative to Respondent's compliance with all the conditions of the Board's Probation  
18 Program. Respondent shall immediately execute all release of information forms as may be  
19 required by the Board or its representatives.

20           Respondent shall provide a copy of this Decision to the nursing regulatory agency  
21 in every state and territory in which she has a registered nurse license.

22           **6. Function as a Registered Nurse.** Respondent, during the period of  
23 probation, shall engage in the practice of registered nursing in California for a minimum of 24  
24 hours per week for 6 consecutive months or as determined by the Board.

25           For purposes of compliance with the section, "engage in the practice of registered  
26 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or  
27 work in any non-direct patient care position that requires licensure as a registered nurse.

28           The Board may require that advanced practice nurses engage in advanced practice

1 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the  
2 Board.

3           If Respondent has not complied with this condition during the probationary term,  
4 and Respondent has presented sufficient documentation of her good faith efforts to comply with  
5 this condition, and if no other conditions have been violated, the Board, in its discretion, may  
6 grant an extension of Respondent's probation period up to one year without further hearing in  
7 order to comply with this condition. During the one year extension, all original conditions of  
8 probation shall apply.

9           **7. Employment Approval and Reporting Requirements.** Respondent  
10 shall obtain prior approval from the Board before commencing or continuing any employment,  
11 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
12 performance evaluations and other employment related reports as a registered nurse upon request  
13 of the Board.

14           Respondent shall provide a copy of this Decision to her employer and immediate  
15 supervisors prior to commencement of any nursing or other health care related employment.

16           In addition to the above, Respondent shall notify the Board in writing within  
17 seventy-two (72) hours after she obtains any nursing or other health care related employment.  
18 Respondent shall notify the Board in writing within seventy-two (72) hours after she is  
19 terminated or separated, regardless of cause, from any nursing, or other health care related  
20 employment with a full explanation of the circumstances surrounding the termination or  
21 separation.

22           **8. Supervision.** Respondent shall obtain prior approval from the Board  
23 regarding Respondent's level of supervision and/or collaboration before commencing or  
24 continuing any employment as a registered nurse, or education and training that includes patient  
25 care.

26           Respondent shall practice only under the direct supervision of a registered nurse  
27 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative  
28 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)

1 are approved.

2 Respondent's level of supervision and/or collaboration may include, but is not  
3 limited to the following:

4 (a) Maximum - The individual providing supervision and/or collaboration is  
5 present in the patient care area or in any other work setting at all times.

6 (b) Moderate - The individual providing supervision and/or collaboration is in  
7 the patient care unit or in any other work setting at least half the hours Respondent works.

8 (c) Minimum - The individual providing supervision and/or collaboration has  
9 person-to-person communication with Respondent at least twice during each shift worked.

10 (d) Home Health Care - If Respondent is approved to work in the home health  
11 care setting, the individual providing supervision and/or collaboration shall have person-to-  
12 person communication with Respondent as required by the Board each work day. Respondent  
13 shall maintain telephone or other telecommunication contact with the individual providing  
14 supervision and/or collaboration as required by the Board during each work day. The individual  
15 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-  
16 site visits to patients' homes visited by Respondent with or without Respondent present.

17 9. **Employment Limitations.** Respondent shall not work for a nurse's  
18 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a  
19 traveling nurse, or for an in-house nursing pool.

20 Respondent shall not work for a licensed home health agency as a visiting nurse  
21 unless the registered nursing supervision and other protections for home visits have been  
22 approved by the Board. Respondent shall not work in any other registered nursing occupation  
23 where home visits are required.

24 Respondent shall not work in any health care setting as a supervisor of registered  
25 nurses. The Board may additionally restrict Respondent from supervising licensed vocational  
26 nurses and/or unlicensed assistive personnel on a case-by-case basis.

27 Respondent shall not work as a faculty member in an approved school of nursing  
28 or as an instructor in a Board approved continuing education program.



1 Respondent shall work only on a regularly assigned, identified and predetermined  
2 worksite(s) and shall not work in a float capacity.

3 If Respondent is working or intends to work in excess of 40 hours per week, the  
4 Board may request documentation to determine whether there should be restrictions on the hours  
5 of work.

6 10. **Complete a Nursing Course.** Respondent, at her own expense, shall  
7 enroll and successfully complete a course relevant to the practice of registered nursing no later  
8 than six months prior to the end of her probationary term.

9 Respondent shall obtain prior approval from the Board before enrolling in the  
10 course. Respondent shall submit to the Board the original transcripts or certificates of  
11 completion for the above required course. The Board shall return the original documents to  
12 Respondent after photocopying them for its records.

13 11. **Cost Recovery.** Respondent shall pay to the Board partial costs  
14 associated with its investigation and enforcement pursuant to Business and Professions Code  
15 section 125.3 in the amount of \$4,950.00. Respondent shall be permitted to pay these costs in a  
16 payment plan approved by the Board, with payments to be completed no later than three months  
17 prior to the end of the probation term.

18 If Respondent has not complied with this condition during the probationary term,  
19 and Respondent has presented sufficient documentation of her good faith efforts to comply with  
20 this condition, and if no other conditions have been violated, the Board, in its discretion, may  
21 grant an extension of Respondent's probation period up to one year without further hearing in  
22 order to comply with this condition. During the one year extension, all original conditions of  
23 probation will apply.

24 12. **Violation of Probation.** If Respondent violates the conditions of her  
25 probation, the Board after giving Respondent notice and an opportunity to be heard, may set  
26 aside the stay order and impose the stayed revocation of Respondent's license.

27 If during the period of probation, an accusation or petition to revoke probation has  
28 been filed against Respondent's license or the Attorney General's Office has been requested to

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1 prepare an accusation or petition to revoke probation against Respondent's license, the  
2 probationary period shall automatically be extended and shall not expire until the accusation or  
3 petition has been acted upon by the Board.

4 13. License Surrender. During Respondent's term of probation, if she ceases  
5 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of  
6 probation, Respondent may surrender her license to the Board. The Board reserves the right to  
7 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to  
8 take any other action deemed appropriate and reasonable under the circumstances, without  
9 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent  
10 will no longer be subject to the conditions of probation.

11 Surrender of Respondent's license shall be considered a disciplinary action and  
12 shall become a part of Respondent's license history with the Board. A registered nurse whose  
13 license has been surrendered may petition the Board for reinstatement no sooner than the  
14 following minimum periods from the effective date of the disciplinary decision:

15 (1) Two years for reinstatement of a license that was surrendered for any  
16 reason other than a mental or physical illness; or

17 (2) One year for a license surrendered for a mental or physical illness.

18  
19 ACCEPTANCE

20 I have carefully read the Stipulated Settlement and Disciplinary Order. I  
21 understand the stipulation and the effect it will have on my Registered Nurse License. I enter  
22 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,  
23 and agree to be bound by the Decision and Order of the Board of Registered Nursing.

24 DATED: 9/15/05

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26   
27 JENNIFER WILKES  
28 a.k.a. JENNIFER WILKES-NEEDLING  
Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 9/15/2005

BILL LOCKYER, Attorney General  
of the State of California



ASPASIA A. PAPA VASSILIOU  
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: SF2004400733

**Exhibit A**  
**Accusation No. 2005-17**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 ASPASIA A. PAPAVASSILIOU, State Bar No. 196360  
Deputy Attorney General  
3 California Department of Justice  
455 Golden Gate Avenue, Suite 11000  
4 San Francisco, CA 94102-7004  
Telephone: (415) 703-5547  
5 Facsimile: (415) 703-5480

6 Attorneys for Complainant

7 **BEFORE THE**  
8 **BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2005-17

11 JENNIFER WILKES  
12 A.K.A. JENNIFER WILKES-NEEDLING  
29 Lovejoy Way  
Novato, CA 94949

**ACCUSATION**

13 Registered Nurse License No. 365156

14 Respondent.

15  
16 Complainant alleges:

17 **PARTIES**

18 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation  
19 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,  
20 Department of Consumer Affairs.

21 2. On or about August 31, 1983, the Board of Registered Nursing issued  
22 Registered Nurse License Number 365156 to Jennifer Wilkes a.k.a. Jennifer Wilkes-Needling  
23 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to  
24 the charges brought herein and will expire on December 31, 2004, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing  
27 (Board), Department of Consumer Affairs, under the authority of the following laws. All section  
28 references are to the Business and Professions Code unless otherwise indicated.

## STATUTORY PROVISIONS

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 495 of the Code states:

"Notwithstanding any other provision of law, any entity authorized to issue a license or certificate pursuant to this code may publicly reprove a licentiate or certificate holder thereof, for any act that would constitute grounds to suspend or revoke a license or certificate. Any proceedings for public reproof, public reproof and suspension, or public reproof and revocation shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code [the Administrative Procedure Act], or in the case of a licensee or certificate holder under the jurisdiction of the State Department of Health Services, in accordance with Section 100171 of the Health and Safety Code."

7. Section 2761 of the Code states in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions."

8. California Code of Regulations, Title 16, section 1443.5 states:

"A registered nurse shall be considered to be competent when he/she consistently

1 demonstrates the ability to transfer scientific knowledge from social, biological and physical  
2 sciences in applying the nursing process, as follows:

3           "(1) Formulates a nursing diagnosis through observation of the client's physical  
4 condition and behavior, and through interpretation of information obtained from the client and  
5 others, including the health team.

6           "(2) Formulates a care plan, in collaboration with the client, which ensures that  
7 direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and  
8 protection, and for disease prevention and restorative measures.

9           "(3) Performs skills essential to the kind of nursing action to be taken, explains  
10 the health treatment to the client and family and teaches the client and family how to care for the  
11 client's health needs.

12           "(4) Delegates tasks to subordinates based on the legal scopes of practice of the  
13 subordinates and on the preparation and capability needed in the tasks to be delegated, and  
14 effectively supervises nursing care being given by subordinates.

15           "(5) Evaluates the effectiveness of the care plan through observation of the  
16 client's physical condition and behavior, signs and symptoms of illness, and reactions to  
17 treatment and through communication with the client and health team members, and modifies the  
18 plan as needed.

19           "(6) Acts as the client's advocate, as circumstances require, by initiating action to  
20 improve health care or to change decisions or activities which are against the interests or wishes  
21 of the client, and by giving the client the opportunity to make informed decisions about health  
22 care before it is provided."

23           9.       Section 125.3 of the Code provides, in pertinent part, that the Board may  
24 request the administrative law judge to direct a licentiate found to have committed a violation or  
25 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
26 and enforcement of the case.

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1 CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct: Incompetence)

3 10. Respondent is subject to disciplinary action under section 2761(a) of the  
4 Code and California Code of Regulations, Title 16, section 1443.5 in that she demonstrated  
5 incompetence in carrying out nursing functions. The circumstances are set forth in paragraph 11,  
6 below.

7 11. On or about July 25, 2002, while working as a registered nurse at Sutter  
8 Solano Medical Center in Vallejo, Respondent administered morphine to a patient via the  
9 patient's PCA (patient controlled analgesic) intravenous pump without consulting the patient.  
10 The patient was a 48-year-old woman who had recently received emergency abdominal surgery  
11 in the form of an ileocelectomy. She was running over her catheter tubing with her wheelchair,  
12 so Respondent tried to protect the tubing by wrapping it onto the patient's hand. Respondent then  
13 caused the hand with the tubing to come into contact with the patient's abdomen. This made the  
14 patient cry out in pain, which prompted Respondent to administer the morphine. She was  
15 defensive rather than apologetic when the patient told her that she hadn't wanted the medication.  
16 Respondent then failed to document her assessment of the patient's pain level or the  
17 administration of the morphine.

18  
19 PRAYER

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
21 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

22 1. Revoking or suspending Registered Nurse License Number 365156, issued  
23 to Jennifer Wilkes a.k.a. Jennifer Wilkes-Needling.

24 2. Ordering Jennifer Wilkes a.k.a. Jennifer Wilkes-Needling to pay the Board  
25 of Registered Nursing the reasonable costs of the investigation and enforcement of this case,  
26 pursuant to Business and Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: 7/27/04

  
RUTH ANN TERRY, M.P.H., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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**EXHIBIT B**

BEFORE THE NEVADA STATE BOARD OF NURSING

IN THE MATTER OF  
JENNIFER WILKES  
LICENSED PROFESSIONAL NURSE  
NEVADA LICENSE NO. RN44469  
RESPONDENT

VOLUNTARY SURRENDER OF  
LICENSE/CERTIFICATE IN LIEU OF  
OTHER DISCIPLINARY ACTION

CASE NO. 0424-08CV

I, JENNIFER WILKES, wish to voluntarily surrender my Nevada Nursing License. I voluntarily and knowingly admit the following facts:

1. I am licensed as a Licensed Professional Nurse in the State of Nevada and I was licensed at the time of the conduct described herein and am, therefore, subject to the jurisdiction of the Board.
2. Respondent acknowledges the following:
  - a. On May 17, 2006, Respondent signed and the Board accepted an Agreement for Probation for three (3) years as a result of Respondent having a pending three (3) year probation agreement in California and due to a 2005 DUI conviction. All requirements of that conviction had been met. Respondent was required to complete and follow any recommendation from a Board approved chemical dependency provider.
  - b. On July 14, 2006, a chemical dependency evaluation was completed by a Board approved counselor who recommended Respondent enter into an intensive outpatient treatment program for substance abuse treatment.
  - c. On July 19, 2006, Respondent entered into a Board approved intensive outpatient treatment center for substance abuse and chemical dependency.
  - d. On August 31, 2006, Respondent reported that she had relapsed on alcohol on August 21, 2006.

1 e. On September 6, 2006, the result of a random urine drug test was positive for  
2 alcohol.

3 f. On September 21, 2006, Respondent proposed and the Board accepted and issued  
4 an order for an Addendum to the Order for Probation requiring Respondent to  
5 enter into a Board approved inpatient chemical dependency treatment program for  
6 thirty (30) days and thirty (30) days of intensive out patient care with submitted  
7 documentation of sobriety of thirty (30) days. Respondent's license was  
8 suspended for a minimum of sixty (60) days, Respondent met with the Disability  
9 Advisory Committee before suspension was lifted and then Respondent was  
10 placed on probation (Restricted Licensure) for a minimum of five (5) years.

11 g. On April 7, 2008, Respondent reported that she had relapsed on alcohol.

12 h. On April 15, 2008, Respondent signed a Temporary Voluntary Surrender of  
13 License Pending Hearing and surrendered her license.

14 3. I admit these factual allegations constitute grounds for disciplinary action pursuant to  
15 NRS 632.320(5) controlled substances and/or alcohol and, unprofessional conduct,  
16 because the conduct violated NAC 632.890 (35) failing to comply.

17 4. I am aware of, understand, and have been advised of the effect of this Voluntary  
18 Surrender.

19 5. I have read this Voluntary Surrender and I fully understand and acknowledge its facts  
20 and terms.

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- 1 6. I am aware that I have certain constitutional rights, including:
- 2 a. I have the right to hire an attorney to represent me in this proceeding;
- 3 b. I have the right to demand a hearing on the charges against me, and I can require
- 4 the Board staff to prove the allegations;
- 5 c. I have the right to cross-examine the witnesses against me;
- 6 d. I have the right to call witnesses to provide evidence in my own behalf;
- 7 e. I have other rights accorded to me under Nevada Revised Statutes Chapters 233B,
- 8 and 632. Also, I have rights accorded to me under Nevada Administrative Code
- 9 Chapter 632.
- 10 7. I am aware of the foregoing rights, and I voluntarily, knowingly, and intelligently
- 11 waive these rights in return for the Board accepting my voluntary surrender of my
- 12 Nevada nursing license in lieu of other disciplinary action.
- 13 8. I understand this Voluntary Surrender is considered a disciplinary action and as such
- 14 will become part of my permanent record.
- 15 9. I understand this Voluntary Surrender is considered public information.
- 16 10. I understand this Voluntary Surrender is considered a disciplinary action and will be
- 17 reported to any national repository, which records disciplinary action taken against
- 18 licensees or certificate holders, or any agency or another state, which regulates the
- 19 practice of nursing.
- 20 11. I understand this Voluntary Surrender may be used in any subsequent hearings by the
- 21 Board as evidence against me to establish a pattern of behavior and for the purpose of
- 22 proving additional acts of misconduct.
- 23 12. This Voluntary Surrender shall not be construed as excluding or reducing any
- 24 criminal or civil penalties or sanction or other remedies that may be applicable under
- 25 federal, state or local laws.

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1 13. I understand that this surrender is effective the day it is accepted by the Nevada State  
2 Board of Nursing, or may be effective pursuant to NRS 632.400 (2), however I agree  
3 to immediately cease and desist from practicing as a Professional Nurse, and I am  
4 returning my license with this signed Voluntary Surrender of License In Lieu of  
5 Other Disciplinary Action.

6 I, JENNIFER WILKES, by my signature affixed below, agree with the foregoing facts  
7 and representations and therefore choose to voluntarily surrender my Nevada nursing license.

8  
9 Dated this 23<sup>rd</sup> day of April, 2008

Jennifer Wilkes  
RESPONDENT  
JENNIFER WILKES

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12  
13 Dated this 33<sup>rd</sup> day of April, 2008

Tracy Singh, Esq.  
TRACY SINGH, ESQ.

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17 Accepted and approved this 23<sup>rd</sup> day of May, 2008

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20 NEVADA STATE BOARD OF NURSING

21  
22 By: Helen Vos

23 Helen Vos, MS, RN  
24 Board President

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RECEIVED  
NURSING BOARD  
MAY 14 2008